

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
GEORGINA MORGENSTERN,

Plaintiff,

-against-

ORDER
CV 04-0058 (JS)(ARL)

COUNTY OF NASSAU, et al.,

Defendants.

-----X

LINDSAY, Magistrate Judge:

Before the court is the plaintiff's letter application dated June 29, 2006, seeking a protective order to protect the confidentiality of "highly sensitive" documents covered by a proposed protective order. Specifically, the plaintiff requests that the court enter the plaintiff's proposed Confidentiality Order so that the plaintiff will be protected from the unauthorized disclosure of her medical records and documents containing information concerning her family's finances. The County defendants do not object to preserving the privacy of the plaintiff's medical and financial records. Rather, the County defendants argue that the language of the plaintiff's proposed Confidentiality Agreement is too broad. The court has reviewed the attached Confidentiality Agreement and agrees with the defendants.

The parties have already agreed that the type of material contemplated as being marked Confidential would include (1) medical information; (2) information related to an individual's finances, including among things, bank account numbers, insurance policy numbers, and credit card numbers; and (3) information containing social security numbers. The County defendants dispute, however, the need to designate the material as for "Attorneys' Eyes Only" and argue that the obligation to take protective action should not cover depositions, motions and continue through the trial. The court agrees. Limiting the use of the confidential information for the

purpose of this litigation only should be sufficient to address the plaintiff's privacy concerns.

Accordingly, counsel for the plaintiff is directed to revise the Confidentiality Order consistent with this ruling and provide a copy to the defendants on or before July 21, 2006. Upon receipt of an executed agreement the plaintiff shall respond to all outstanding discovery requests.

Also before the court is the County defendants' June 30, 2006 letter application seeking reconsideration of the Court's June 20, 2006 order denying their motion for a protective order with respect to the deposition of County Executive Suozzi. Specifically, the defendants have requested that the court revisit its decision after all fact witnesses are deposed and permit the defendants to submit a supplemental declaration. The defendants have also advised District Judge Seybert of their intent to object to the June 20th order. Given the fact that the defendants have not addressed the standards for seeking reconsideration, rather they simply reargue the issues already considered by the court, the undersigned finds that the more appropriate course would be to object to the order pursuant to Fed. R. Civ. P. 72(a). Accordingly, the motion seeking reconsideration is denied.

Dated: Central Islip, New York
July 18, 2006

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge